REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Claims 15-22 were pending in this application. By the present Amendment, Claims 23-34 are added.

Applicant thanks the Examiner for the courtesies extended to Applicant's undersigned representative during the telephone interview on June 25, 2003, in which the claims of the present application were discussed vis-à-vis the cited references.

Claims 15-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,122,875 ("Raychaudhuri") in view of U.S. Patent No. 5,351,047 ("Behlen"). Applicant respectfully submits that all claims in this application are patentable over the cited references for at least the following reasons:

Considering Claim 15, for example, it is submitted that any proper combination of Raychaudhuri with Behlen would not result in a picture encoding method for generating a bit stream, the bit stream being compatible with MPEG 1 moving picture video standard and comprising an extension byte in at least a header **of a specified layer** of the bit stream, that includes the steps of:

> "storing an extension byte of an anterior header of said specified layer;
>
> comparing an extension byte of a current header **of said specified layer** to the extension byte of said anterior header; and
>
> transmitting, when the extension byte of said current header is different from the extension byte of said anterior header, the extension byte of said current header and an extension start code indicating the beginning of the extension byte of said current header, and not transmitting, when the extension byte of said current header is the same as the

extension byte of said anterior header, the extension byte of said current header and an extension start code indicating the beginning of the extension byte of said current header." (emphasis added)

The Office Action asserted that Raychaudhuri discloses "comparing an extension of a current header of said specified layer to an extension of said anterior header," referring to col. 14, lines 5-15 and col. 16, lines 15-20. Applicant respectfully disagrees. Col. 14, lines 5-15 states that much of the video data header information is also included in the transport headers, and as an alternative arrangement, the converter 201 may be precluded from accepting video header data which would be redundantly included in the transport block headers. Thus, Raychaudhuri's technique might involve some sort of comparison between the transport block headers and the video stream headers. The transport block headers, however, are clearly in different layers than the video stream headers. The transport blocks are created for the purpose of transmitting high priority (HP) and low priority (LP) data derived from MPEG data. The transport block headers are not within a specified layer, e.g., such as a picture layer as claimed in Applicants' Claim 16. That is, the transport block headers are *additional* headers added to those in the MPEG system.

It is further noted that the cited portion of col. 16 refers to a comparison of slice header information with transport header information "for entry point confirmation." It is manifest that the slice headers are in a different layer than the transport headers. Moreover, this comparison is not for the purpose of determining whether or not to transmit an extension byte of a current header as set forth in Applicant's claims.

Moreover, the Office Action asserted (with respect to Claim 16) that Raychaudhuri discloses the use of a picture layer, referring to col. 5, lines 5-10. There is no disclosure, however, of the header information of one picture layer being compared to the header

information of another picture layer, as in Applicant's Claim 16. Raychaudhuri's transport block headers are not part of the picture layer.

The Behlen reference was merely cited for disclosing the use of a byte of header data. As such, Behlen does not cure the deficiencies of Raychaudhuri with respect to at least the comparison feature of Applicant's claims discussed above.

It is further submitted that contrary to Applicant's claims, the Raychaudhuri bit stream is not compatible with the MPEG 1 moving picture video standard.

Accordingly, in light of the above differences, it is manifest that the invention of Applicant's Claim 15 is not rendered obvious by any proper combination of Raychaudhuri with Behlen.

Independent Claims 17, 19 and 21 are patentable for at least the same reasons just discussed concerning analogous features of Claim 15.

The remaining claims in this application are patentable based at least upon their respective dependencies from one of the above-noted independent claims.

In addition, by way of example, Claims 16, 18, 20 and 22 each recite that the specified layer is a picture layer. As discussed above, Raychaudhuri does not disclose this feature col. 5, lines 5-10, contrary to the assumption in the Office Action.

Further, new Claims 23-34 each relate to the feature wherein the extension start code includes an extension start code identifier. It is submitted that this matter is neither disclosed nor suggested by the cited references, rendering these claims further distinguishable therefrom.